

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

TERMAINE STRAUTHER

MOVANT

V.

CAUSE NO. 1:15-cr-00041-SA-DAS

UNITED STATES OF AMERICA

RESPONDENT

**ORDER DISMISSING DEFENDANT'S MOTION TO VACATE,
SET ASIDE OR CORRECT SENTENCE
UNDER 28 U.S.C. 2255**

This matter comes before the court on the motion by Termaine Strauther to vacate, set aside, or correct his sentence under 28 U.S.C. 2255. The relief Strauther sought in the instant motion is a lesser term of incarceration. According to the United States Bureau of Prisons website, Mr. Strauther has completed his sentence and has been released from custody. As such, his request for *habeas corpus* relief under 28 U.S.C. 2255 has become moot:

Since respondents elected only to attack their sentences, and since those sentences expired during the course of these proceedings, this case is moot. Nullification of a conviction may have important benefits for a defendant ... but urging in a habeas corpus proceeding the correction of a sentence already served is another matter. *North Carolina v. Rice*, 404 U.S. 244, 248, 92 S. Ct. 402, 405, 30 L. Ed. 2d 413.

Lane v. Williams, 455 U.S. 624, 631, 102 S. Ct. 1322, 1327, 71 L. Ed. 2d 508 (1982). As such, the instant Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 is **DISMISSED** as moot.

SO ORDERED, this, the 3rd day of April, 2018.

/s/


U. S. DISTRICT JUDGE